

In the United States Circuit Court of Appeals
for the Ninth Circuit

No. 10787

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

vs.

CHENEY CALIFORNIA LUMBER
COMPANY,

Respondent.

**MOTION FOR LEAVE TO PRINT SUPPLE-
MENT TO RECORD AND FOR EXTEN-
SION OF TIME**

Comes now the National Labor Relations Board, petitioner herein, by its Associate General Counsel, and respectfully moves this Court for leave to print a supplement to the printed record herein, and for an extension of time for filing and serving the Board's brief to a date fifteen days after receipt of the printed supplement to the record. In support thereof the Board shows as follows:

1. The Board's petition for enforcement, the certified record of the proceeding before the Board, and the Board's designation were filed in this Court during the latter part of May, 1944, and copies of the petition and designation were served upon opposing counsel, at the same time. Insofar as the Board is advised, respondent did not file an answer to the petition or a counter-designation of additional portions of the record.

2. Following receipt of authorization from the Board, the Clerk of this Court printed the record in accordance with the Board's designation, and thereafter, filed and served the necessary copies. In the interim, the Board's brief had been prepared from a duplicate copy of the certified record retained by the Board.

3. On October 5, 1944, the Board was preparing to send its brief to the Government Printing Office for printing, and while transposing the references from the certified record to the printed record, counsel noticed that none of the portions of testimony contained on Pages 129 to 275 of the certified record had been included in the printed record. Further examination revealed that through inadvertence an entire section of the Board's designation had been omitted in typing, so that the designation filed with this Court omitted some 100 pages of relevant and essential testimony. In view of the provisions of Rule 19 (6) of this Court, the Board asks leave of this Court to print a supplement to the record containing those portions of the certified record set forth in Appendix A hereof.

4. The Board's brief is complete and ready for printing except for insertion of references to those portions of the testimony referred to above, but cannot be printed until after receipt of the printed supplement to the record. Accordingly, the Board requests that it be allowed a reasonable time after receipt of the supplement for printing and filing its brief.

Wherefore, the Board respectfully moves the Court for the entry of an order granting leave to the Board to print a supplement to the printed record herein, and granting an extension of time for filing and serving its brief, to a date fifteen days after receipt of the printed supplement.

NATIONAL LABOR RELATIONS BOARD

By **MALCOLM F. HALLIDAY**

Associate General Counsel

Dated at Washington, D. C., this 7th day of October, 1944.

District of Columbia—ss.

Malcolm F. Halliday, being first duly sworn, states he is Associate General Counsel of the National Labor Relations Board, petitioner herein, and that he is authorized to and does make this verification in behalf of said Board; that he has read the foregoing motion and has knowledge of the contents thereof; and that the statements made therein are true to the best of his knowledge, information and belief.

MALCOLM F. HALLIDAY

Associate General Counsel

Subscribed and sworn to before me this 7th day of October, 1944.

[Seal]

JOHN E. LAWYER

Notary Public, District of
Columbia

My Commission expires August 14, 1949.

Ordered petitioner granted leave to have printed a supplemental transcript of record consisting of portions designated together with any portions designated by respondent within time provided by rule.

FRANCIS A. GARRECHT

WILLIAM HEALY

United States Circuit Judge

[Endorsed]: Filed Oct. 12, 1944. Paul P. O'Brien, Clerk.

(Testimony of Albert Roy Norberg.)

Recross Examination

Q. (By Mr. Cheney): Did he say why he was firing them?

A. Just because we were talking too much.

Q. Did he threaten—or I will put it this way. Did he let you go? [129]

A. Well, he undoubtedly fired me because I got those two checks.

Q. Did he fire you?

A. Well, I really couldn't answer that but I got two checks.

Q. You continued to work?

A. That is right.

Q. Every day? A. That is right. [130]

HAROLD ARNOLD NORBERG

a witness called by and on behalf of the National Labor Relations Board.

Direct Examination [131]

Q. Now, do you recall an occasion during approximately March of this year when Mr. Pease talked to you about your brother Albert?

A. That is right.

Q. Do you recall approximately when it was that Mr. Pease talked to you?

A. No, I really don't.

(Testimony of Harold Arnold Norberg.)

Q. Was it during the month of March or April, do you remember that?

A. Oh, no. It was later than that.

Q. Do you remember whether or not Clayton Block and Ira Ware were working at the time he talked to you?

A. Yes, they were working.

Q. They were employed at that time?

A. Yes.

Q. Where did Pease talk to you? [132]

A. He called me in the office.

Q. What did he say to you?

A. Well, he said those three guys had been doing too much talking.

Q. Which three guys, did he name them?

A. Clayton Block, Albert and Ira Ware.

Q. Clayton Block, Ira Ware and Albert Norberg, your brother? A. Yes.

Q. Can you give us in as detailed fashion as possible exactly what Pease said to you at that time?

A. Well, Pease said he had already decided he was going to lay Clayton and Ira Ware off, and he thought he'd have to lay Albert off too if he didn't quit talking so much. It was causing too much hard feelings.

Q. Did he tell you what they had been talking about?

A. Well, he mentioned Ira Ware in regard to the Union, but he didn't say anything about the

(Testimony of Harold Arnold Norberg.)

others although he did mention them all three together as talking too much.

Q. What did he say about Ira Ware and the Union?

A. Well, he said he was stirring up too much trouble trying to get the men organized, too much hard feelings.

Q. What did you say to Pease?

A. In regard to who?

Q. In regard to your brother Albert?

A. Well, I told him that I thought he ought to give Albert [133] another chance; that if it was just talking too much that was the trouble why he should at least have a talk with him before he fired him and give him a chance anyway. But I told him that there was nobody else out there that could really handle that carrier at the time as good as he could and it would be a handicap to us too if he would fire him because then we'd have to take a lot of split unit and everything while somebody else was learning.

Q. You're a loader there, aren't you?

A. Yes.

Q. And Albert Norberg, your brother, carries the load over to where you load them on the cars?

A. Yes. And I told him that I thought he better leave him on there, or else I didn't care whether I stayed either. I told him that I'd just as soon quit too after try and let somebody else learn to drive it because we had been handicapped for quite a while, while they were learning; when he first

(Testimony of Harold Arnold Norberg.)

started learning and we didn't want to have that to go over again.

Q. Did Pease make any promise to you about what he was going to do in regard to your brother Albert?

A. Well, he said he'd let him stay on the job then, he wouldn't fire him.

Q. Did he say anything about Clayton Block and Ira Ware?

A. Well, he just mentioned that he was going to lay them [134] off. That was definite.

Q. Did he lay them off? A. Yes, he did.

Q. Do you recall an occasion after Mr. Boyd Wyatt of the Union had come out to the plant when Mr. Pease called all of the employees together and talked to them? A. Yes, that is right.

Q. And do you remember whether that was— what time of the year that was?

A. Well, I didn't expect to have to remember that date. I didn't keep track of them at all.

Q. Was that during the period when Mr. Wyatt was trying to organize?

A. Yes, I think it was.

Q. What time of day did Mr. Pease speak to the employees?

A. It was after work at night.

Q. Where?

A. Right in front of the office.

Q. And how were you called together there?

A. Well, everybody always stops there to make out their time and then he just mentioned he

(Testimony of Harold Arnold Norberg.)

wanted to talk to them a few minutes before they went home.

Q. Now, what did Pease say at that time?

A. Well, he brought the Union up the first thing; then he mentioned that he understood we was wanting a Union in there [135] and he said he really didn't see why we needed any. He'd pay union scale and I don't remember if that was the time he granted seniority or not. I believe we had two meetings.

Q. Did he have two meetings in 1943?

A. I think there were two meetings.

Q. Do you remember anything else he said at the first meeting?

A. Well, no. I don't really remember.

Q. Now, you say he called another meeting some time later?

A. Yes, he did.

Q. A few days later or quite a while later?

A. Well, I don't remember just how much later it was.

Q. Was the Union still trying to organize the employees?

A. Was what?

Q. Was the Union still trying to organize?

A. Yes.

Q. And did he call the men together in the same fashion the second time?

A. Yes, and he told them that he'd grant them seniority and we decided that seniority was the main thing we wanted there because there was a lot of the older men that weren't getting promoted the way they felt they should be and he said he'd

(Testimony of Harold Arnold Norberg.)

see that they got seniority. So we told him well, if that was it we'd just drop the case of the Union.

Q. Did he offer anything else except seniority rights? [136]

A. Well, I don't just remember if he did or not.

Q. Did he say anything about wages or hours or other conditions of work other than seniority?

A. He did mention if there was any adjustment in wages or anything, why, just come to him and he'd try and straighten them out, whatever was satisfactory.

Q. Did he suggest any alternative to a union organization? Tell the employees how they were to handle this seniority matter?

A. Well, it was—it seems to me that he had—he said that there should be a committee of three appointed to decide which ones should have seniority, which ones should have certain jobs and which ones were capable of handling them, and so forth.

[137]

Q. Was such a committee appointed?

A. Yes, I think there was.

Q. Do you recall who were members of the committee?

A. Well, let's see, Jake Williams was one and—I don't just remember who they were now.

Q. Lindsay Glenn and Harry Major, is that right? A. I think that was it.

Q. (By Mr. Jennings): Now, do you recall whether the question of seniority rights came up after this committee was appointed, the dispute as

(Testimony of Harold Arnold Norberg.)

to whether a certain employee was entitled to a job because of seniority?

A. Well, I don't remember whether that came up before or afterwards.

Q. Do you remember an occasion when a question of Lindsay Glenn's seniority was raised?

A. Oh, yes; I remember Lindsay. He asked Lionel in front of the bunch of us one night. He said that he thought he had seniority enough to hold the oiling job and he felt he should have it, and Lionel the Sunday before that had promised him that if he thought he should have it, why, they should take a vote on it and if he *could* the job, why he'd be perfectly willing to let him have it. Well then, the next night why he flared up and he said that Lindsay couldn't handle [138] any job in the mill.

Q. Did Lindsay Glenn get the oiler job?

A. No, he didn't.

Q. Did you investigate the question of his seniority over the man who got the job, that is, did Glenn have seniority over the man who actually got the job?

A. Yes, I guess he did. They had Lindsay's seniority dropped way down from what it should be, but they had a dispute over that and then they set his seniority up where he thought it should be, and that did put his seniority ahead of George Christiansen.

Q. Did Christiansen get the job anyway?

A. Yes, he did.

(Testimony of Harold Arnold Norberg.)

Q. Now, after Glenn didn't get this job did you have opportunity to observe whether or not he became active in the Union?

A. Well, he was quite active all along. I don't know as he was any more active after that.

Q. By the way, when you were talking with Mr. Pease about the discharge of Ware or Block did Pease indicate that either one of them were not good workers, either Block or Ware?

A. No—well, he didn't say anything in regard to whether Block was or not, but he didn't say anything about Leown's work at all. He just mentioned that he had been talking too much, but there was nothing mentioned about his work. [139]

Q. Were you asked about the petition, was it presented to you?

A. No, not personally, we were free to vote or put our name down or put yes or no, either way.

Q. Where did you see the petition?

A. Well, it was hanging on the wall between the shop door and the office, right between the window and the shop door.

Q. Did either Pease or Higday say anything to you about the petition?

A. No, they didn't.

Q. By whom were you hired, Mr. Norberg?

A. Pease.

Q. During the time that Pease was there who was in charge of the operation?

A. Lionel Pease was.

Q. And who did the hiring and the firing?

(Testimony of Harold Arnold Norberg.)

A. Lionel. [140]

Q. Is that true of the time during all of the time he was there?

A. Well, I remember Jake saying that he did hire one or two fellows there, but I think Lionel was gone at the time, that was last summer.

Q. That is, part of last summer Lionel Pease was gone? A. Yes.

Trial Examiner Ward: When you say last summer do you mean the summer of '42 or the summer of '43?

The Witness: The summer of '42.

Q. (By Mr. Jennings) During the summer of '42 Jake Williams was the foreman, is that right?

A. Yes.

Q. Now, while Pease was away during the summer of '42 who took his place?

A. Jake Williams. Well, this might have been just for two or three days or a week that Lionel was gone but Jake did.

Q. That is, Jake Williams had the authority that Pease possessed during the time that Lionel was gone? A. Yes.

Q. During the time that Lionel Pease was there what authority had Williams?

A. Well, he was foreman.

Q. And in the course of his job as foreman, what did he do?

A. Well, he mainly told the boys which jobs they should [141] work on and where they should

(Testimony of Harold Arnold Norberg.)
work. That is, some job that they didn't stay on the same job steady.

Q. Did he do any hiring or firing himself?

A. Well, nothing but these two cases I remember of that he had. I don't think he ever fired anybody that I know of.

Q. Do you know whether or not he discharged anybody or recommended they be discharged?

A. I don't believe he did.

Q. What about Mr. Higday? What was his authority during the period of time he acted as foreman?

A. Well, just kind of walked around and watched the boys to see what they were doing.

Q. Did he put them on their jobs?

A. Well, sometimes he did, sometimes he didn't.

Q. Did he work? A. No.

Q. He spent all his time in supervision?

A. Well, he did work at mechanic work sometimes and he did help on repairing the mills when he first became foreman, but later on, why, all he'd do was just kind of show the boys around.

Q. Now, during the time when Pease was away and while Higday was foreman who took Pease's place?

A. Well, Higday did. That is the only other one they had there to take his place. [142]

Q. And did Higday exercise the authority of Pease while Pease wasn't there?

A. Well, yes; he got the mill started up in the morning.

(Testimony of Harold Arnold Norberg.)

Mr. Jennings: That is all.

Cross Examination [143]

Trial Examiner Ward: May I interrupt for one question? How many months out of the year do you work normally?

The Witness: Well, I imagine—the mill starts up about the 1st of April.

Trial Examiner Ward: About the 1st of April.

Mr. B. B. Cheney: We try to start the 1st of March.

The Witness: Well, yes; from the 1st of March.

Trial Examiner Ward: When does it usually close?

The Witness: Until the 15th of December, something like [144] that.

Trial Examiner Ward: March to December?

The Witness: That is right.

Trial Examiner Ward: Approximately nine months?

The Witness: Yes, about that.

Q. (By Mr. Cheney): Did you do any work in between those times from the date in December that you speak of—

A. Oh, yes, the mill did run some off and on in between there.

Q. I understand that Mr. Pease called you into the office to talk to you about the three guys, as you said, those three guys doing too much talking, did he name those three guys?

A. Yes, Albert Norberg and Leown Ware and Clayton Block. [145]

(Testimony of Harold Arnold Norberg.)

Q. (By Mr. Cheney): Well, then, let's put it this way. How long before they were fired did he call you into the office?

A. Oh, approximately two weeks, something like that.

Q. Two weeks before?

A. Yes. It might not have been two weeks before Ira Ware was fired but it was before Clayton Block because he was in the hospital at the time.

Q. Clayton Block was in the hospital?

A. Yes. [147]

Q. Now, do you recollect Mr. Pease ever saying anything to you after they were discharged as to why he discharged them?

A. Well, Lionel made the statement in the office that Leown was stirring up too much trouble about the Union. He did make that statement.

Q. That was before he was discharged?

A. Yes.

Q. But he never made any statement to you after he was discharged as to why he was discharged?

A. No, he never did. [148]

Q. Suppose a man started working and he worked for, say, a month and then quit and went off some place else and worked and then came back. How would his seniority be worked?

A. Well, he wouldn't have any.

Q. Just continuous employment?

(Testimony of Harold Arnold Norberg.)

A. But during the time the mill was down why your seniority runs. [151]

WILLIAM NOLAN BEEM

a witness called by and on behalf of the National Labor Relations board.

Direct Examination

Q. How long have you been employed by Cheney?

A. I went to work the 27th of March, 1942. [155]

Q. Do you recall any conversation that you had with Lionel Pease during 1942 with respect to the Union?

A. Well, yes.

Q. Will you tell us when this conversation took place?

A. Well, I couldn't give you the date because I can't remember the date.

Q. Was it in the summer or the fall or when?

A. I think it was in the summer.

Q. 1942? A. Yes.

Q. And do you recall where it took place?

A. Where my conversation took place?

Q. Yes.

A. Well, my conversation took place in the office.

Q. And who else was there?

A. There wasn't anybody else in there.

Q. What was said at that time?

A. Well, I told him—asked him if he knew what

(Testimony of William Nolan Beem.)

he was [156] doing in regards to fighting the Union and he said he didn't care much what he was doing. He was doing as his own duty—he was doing his duty. I asked him if he knew the penalty of it and he said he didn't know as there was any penalty attached to it. I advised him to get the Wagner Act and read it and he would find out what the penalty was.

Q. Now, prior to the time that you had this conversation with Pease had Pease talked to the men about the Union?

A. Well, he had talked to them that evening in front of the office about the Union.

Q. Do you remember what he said?

A. Well, he said that he didn't care to have the Union started, said we were satisfied and he didn't want it changed, he wanted it kept that way. Just like a big family there, and he hated to see the boys pay out their hard earned money to keep up a Union.

Q. Did he say that to all of the employees or just to you?

A. Yes, he said that to all of them.

Q. Was that in front of the office there after work?

A. Yes, sir.

Q. And then after that you went to Pease in the office and talked to him?

A. Yes, sir.

[157]

KENNETH R. C. BLAIR

a witness called by and on behalf of the National Labor Relations Board.

Direct Examination

Q. Are you related to Mr. Allan? A. Yes.

Q. Leslie Allan?

A. Yes. He's my brother-in-law.

Q. Do you recall an occasion in 1943 when Mr. Allan wrote to you asking you to inquire about a job for him? A. Yes.

Q. And did you inquire of Mr. Pease?

A. Yes.

Q. And what did Mr. Pease tell you?

A. He had his bookkeeper, his brother there, Kenny Pease to write a letter to him, telling him that he had a job here.

Q. Where was Leslie Allan at that time?

A. He was at Clayton, Oklahoma. [167]

Q. And when you talked to Mr. Pease, did you tell him about Leslie Allan's experience in the lumber industry? A. Yes.

Q. Mr. Pease told you he'd hire Leslie Allan?

A. Yes, sir, he'd hire him.

Q. And did Leslie Allan thereafter come out and go to work? A. What was that?

Q. Did Leslie Allan then come out and go to work for the Company? A. Yes, sir.

Q. Now, calling your attention to September of 1942, were you working at that time for the Company? A. Yes, sir.

(Testimony of Kenneth R. C. Blair.)

Q. Was Mr. Pease at that time the Manager, the Superintendent at Greenville?

A. Yes, sir.

Q. Do you recall an occasion when Alvin Waitts tried to sign up a number of the employees in the Union? A. Yes, sir.

Q. And do you remember at that time a speech that Mr. Pease made to the employees?

A. That evening after work.

Q. Yes? A. Yes, sir. [168]

Q. Do you remember approximately when that speech was made?

A. No, I don't. It was along in September, though.

Q. 1942? A. 1942, yes, sir.

Q. And who were present at the time Mr. Pease talked?

A. Well, I don't know just who the biggest majority of the crew was.

Q. You said it was after work? A. Yes.

Q. And the crew had just left the mill and gathered in front of the office?

A. Yes, the crew was there in front of the office.

Q. What did Mr. Pease say at that time?

A. He just said that he didn't want a Union, and if there was anything that we wasn't satisfied with, to come to him and he'd see if he couldn't settle it with us without having a Union. [169]

RUEL FRANKLIN SMITH

a witness called by and on behalf of the National Labor Relations Board.

Direct Examination [172]

Q. Do you recall an occasion some time in 1943 when Mr. Wyatt, in front of a group of the men, requested the Company, through Mr. Pease, to recognize the Union? A. In '42?

Q. '43. A. Yes, sir.

Q. Now, were you present at the time Mr. Wyatt made that request? A. Yes, sir.

Q. Do you recall who else were present at that time?

A. I don't believe I could call all their names. There were several of them.

Q. Give us some of them who were there besides yourself and Mr. Wyatt and Mr. Pease.

A. I believe Mr. Ware was there, and Clyde Quinliven, and frankly, I wouldn't know any of the other names. There were several more boys there, but I couldn't call their names.

Q. And do you remember what Mr. Wyatt said at that time, and what Mr. Pease said in reply?

[173]

A. Well, he just asked him—told him that he had several of the cards signed and wanted to know what he thought about the conditions of the Union, and he told him that he didn't like it at all and he wouldn't accept the cards. It would have to go to an election, and so forth and so on.

Q. Do you recall what statements Pease made

(Testimony of Ruel Franklin Smith.)

at that time about the Union or his feelings toward the Union?

A. Well, he said that he didn't like it, and if it went Union he'd lose some of the best men he had out there.

Q. Were you working at the time?

A. Well, I was on the payroll. I wasn't working that week.

Q. Were Clayton Block and Ira Ware working as far as you knew about that time? That is, were they on the payroll so far as you knew?

A. That day?

Q. Yes.

A. I don't think so.

Q. Do you know whether or not—they weren't working in the mill at that time?

A. No, they wasn't working that week.

Q. Had you heard that either one of them had been fired? [174]

A. Not at that time.

Q. Did you hear shortly thereafter that they had been fired?

A. I think the best I remember, that was on Thursday, I don't remember the date, when I came back on the job on Monday at noon, I heard they were fired.

Q. At least you heard that Ira Ware had been fired?

A. Yes, and Clayton Block.

Q. Now, you remember just about in that same time that you went down and asked Mr. Pease for your check?

A. Yes, sir.

Q. And was that—when was that with respect to the time Mr. Wyatt spoke to Mr. Pease about recognition?

(Testimony of Ruel Franklin Smith.)

A. That was the day that Mr. Wyatt was out there.

Q. The same day? A. Yes, sir.

Q. And you went in to get your check?

A. Yes, sir.

Q. And did you have a conversation with Pease at the time you got your check?

A. I asked him—I told him that my brother was at Pittsburg and was fixing to be shipped across the waters, and I wanted to go down and see him and I'd like to get my check. And he said "Okay, but I don't like to sign a Union man's check." [175]

CLAYTON BLOCK

a witness called by and on behalf of the National Labor Relations Board.

Direct Examination

Q. (By Mr. Jennings): Mr. Block, were you employed by the Cheney Lumber Company prior to March or April 5th of 1943? A. Yes, I was.

Q. When did you go to work for them, for the Cheney Lumber Company?

A. Some time in May in '42.

Q. And what jobs did you hold during the time you were working out there?

A. Well, I was—my regular job was two by fours, but I [180]—did work on the well.

Q. You were working on the green chain?

(Testimony of Clayton Block.)

A. Yes, pulling two by fours from the green chain.

Q. And since May of 1942, up until the time you were discharged, did you work pretty regularly at the mill?

A. Well, no. I was off quite a bit on account of infection and appendicitis operation.

Q. You had an appendicitis operation?

A. Yes, I did.

Q. When was that?

A. I think that was July 16th, '42.

Q. And this infection that you speak of, was that in '43? A. Yes, it was.

Q. Did you have any other illness during the time you were working there?

A. No, none whatsoever.

Q. Did you work steadily other than those two occasions? A. Yes.

Q. Were you laid off during the winter when the mill was shut down?

A. Yes, with the rest of the men.

Q. And when the mill re-opened in the spring were you rehired? A. Yes.

Q. That is in 1943? [181] A. Yes.

Q. And what job were you put on when the mill re-opened in 1943?

A. I was on construction when it first started.

Q. And do you remember approximately when that was, what month?

A. No, I'm afraid I couldn't.

Q. Was it in February or March?

A. I have no idea of the time whatsoever.

(Testimony of Clayton Block.)

Q. In 1943, how long did you work prior to the time you were discharged?

A. I worked up until the night of March 18th. I went in the hospital for the infection.

Q. And about how many weeks had you worked before March 18th?

A. I couldn't tell you that. I don't really know.

Q. Do you know how many pay checks you drew? A. No, I don't.

Q. What job were you working on, did you say, during 1943 you were working on repair?

A. Well, when the mill first started, yes, I was working on repairs.

Q. And then later on you were put on two by fours?

A. When the mill opened, I was put on two by fours.

Q. I understood you to say that March 18th was the last [182] day you worked?

A. Yes, I worked all day the 18th.

Q. And what job were you working on then?

A. On the two by fours.

Q. Pulling two by fours from the green chain?

A. Yes, sir.

Q. During 1943 was your work criticized at any time by Mr. Pease or Mr. Higday? A. No.

Q. The foremen out there? A. No.

Q. Either one of them tell you they didn't think you were doing your work? A. No.

Q. Did they criticize your work in any respect whatsoever? A. None.

Q. Did anything happen on March 18th?

(Testimony of Clayton Block.)

A. No, not a thing. Nothing happened, nobody said nothing, and we were all going to the show that night, and the infection started to hurt a little bit, so I went to the hospital.

Q. You had an infection in your finger, and it started to bother you?

A. Yes, they put me to bed that night.

Q. Who put you to bed? A. The doctor.

[183]

Q. How long were you in bed with the infected finger?

A. Five days. They let me out, I think it was on the 23rd.

Q. And were you up and about on the 24th?

A. Yes, sir.

Q. Did you come downtown in front of the post office where the rest of the boys were gathered?

A. Yes, I was going over to have my hand dressed.

Q. You were going to the hospital, which is just about across the street from the post office?

A. Yes.

Q. And you saw a bunch of the men gathered together in front of the post office?

A. Yes, he hollered at me, I think. Bud Norberg was with me.

Q. Bud Norberg is Albert Norberg, isn't that right? A. Yes.

Q. You went over then, to where the men were?

A. Yes.

Q. And what was happening at that time?

(Testimony of Clayton Block.)

A. They were signing them up for the Union.

Q. Did you sign up? A. Yes.

Q. Now, prior to the time that you signed up in the Union, had you done any talking about the Union at all? [184] A. Yes.

Q. That is during the time you were working at the mill? A. Yes.

Q. Do you recall one occasion when you and Albert Norberg had some discussion about the Union?

A. Yes, we had discussion about the Union out there with a few of the men.

Q. And with whom did you have the discussion?

A. Well, there was Lionel and George Christiansen and there was Joe-Joe.

Q. Joe Josephson? A. Yes.

Q. And you say "Lionel." You mean Lionel Pease? A. Yes.

Q. And which side were you arguing at that time? A. For the Union.

Q. And who else?

A. Bud, or Albert Norberg.

Q. You and Albert Norberg were arguing for the Union? A. Yes.

Q. Who were arguing against it?

A. Well, the three of them, the ones I remember, there were more around there, there were six or seven, but Lionel and George and Joe Josephson are the only ones I can remember. [185]

Q. That is Lionel Pease, George Christiansen and Joe Josephson?

(Testimony of Clayton Block.)

A. Yes, Herman Higday was there too.

Q. Herman? A. Yes.

Trial Examiner Ward: Fix the time of day of the argument.

The Witness: I couldn't do that.

Q. (By Mr. Jennings) Were you working at that time?

A. No, I was on compensation between the time I got out of the hospital and reported back to work, April 5th, some time, during that time, what exact date I don't know.

Q. Do you remember whether this was after you signed up in the Union or not?

A. It was, yes.

Q. And it was while you were off with this injury?

A. Oh, wait a minute. It wasn't either. It was after I signed up for the Union.

Q. It was after? A. Yes.

Q. How long after? A. I couldn't tell you.

Q. A day or two?

A. I signed up, I guess it was the first or second day after I was out of the hospital. [186]

Q. Now, do you know whether Albert Norberg and these other men were working at the time that you were having this discussion about the Union?

A. Yes, they were working, the mill was running, if I remember right.

Trial Examiner Ward: Was it during working hours, or lunch time?

The Witness: I'm pretty sure it was during working hours.

(Testimony of Clayton Block.)

Q. (By Mr. Jennings) You weren't working yourself?

A. No, I was on compensation.

Q. Now, on which side of this argument did Pease and Higday argue?

A. Why, they were just trying to explain to us where they thought we was wrong about the Union.

Q. That you and Albert Norberg were wrong?

A. It wasn't really no argument. Lionel was just trying to explain to us where he thought that we was wrong about the Union, and Herman, he got—Lionel never got nasty, but Herman got pretty nasty about it. In fact, he got so mad he just walked off.

Q. Herman Higday? A. Yes.

Q. Do you recall what he had to say?

A. Oh, he just called it an "Oakie-flourish," and walked [187] off.

Q. What?

A. An "Oakie-flourish," that is what they call it down there, and walked off.

Q. What did he call an "Oakie-flourish?"

A. Well, the stir-up about the Union.

Q. Now, after you had had this argument, do you recall having talked to Pease?

A. Yes, I talked to Lionel when he fired me.

Q. Now, did you see him between the time you had this argument and the time he fired you?

A. Oh, yes, I was down at the mill practically every day. There was nothing to do;

(Testimony of Clayton Block.)

Q. And did Pease have anything to say to you during that time? A. No. Not much.

Q. Did he say anything to the effect that you were fired?

A. No, I didn't know I was fired at all.

Q. Now, when did you come back to go to work?

A. I come back April the 5th. It was on a Monday.

Q. And did you find your card in the rack?

A. Well, I didn't look. I just went out. I was in the shop where the rest of the men gathered, and I just went out to work. They put Glenn—and my father was pulling on the chain at the time, and Herman come out and told me Lionel [188] wanted me in the office.

Q. Did you actually start in working?

A. Yes—Well, I pulled two or three two by fours from what was left on there from the time before.

Q. And then Higday told you that Lionel wanted to see you in the office? A. Yes.

Q. You went in and saw Mr. Pease in the office? A. Yes.

Q. And what did Mr. Pease say to you?

A. He just told me that he didn't have no longer use for me, and I asked him why, and he said that my work was no good, that he had put me on everything there was, and I wasn't worth—my work wasn't any good whatsoever. And I asked him if it wasn't on account of the Union, and he said, "No." And that was all that was said there.

(Testimony of Clayton Block.)

Q. Now, did you receive a termination notice?

A. Yes, I did.

Q. From Mr. Pease? A. Yes, I did.

Q. Do you recall what the termination notice said upon it?

A. I got two termination notices.

Q. What did the first one say?

A. The first one said, "Failure to do his work."

I believe that is the exact words as I remember. I showed it to a few [189] of the men around there.

Q. Did you take the termination notice from Mr. Pease then when he gave it to you?

A. Yes.

Q. You say you showed it to a number of the men? A. Yes.

Q. Was your father working at that time?

A. Yes, he was, on the two by fours.

Q. Did you show it to him?

A. Yes, him and Glenn, what was on there.

Q. Thereafter did you go back and talk to Mr. Pease further about it? A. Yes.

Q. What conversation did you have with Pease at that time?

A. Well, I got pretty mad. The more I thought about it, the madder I got, and I went back to tell Lionel I didn't think that was very much man in him, firing me for something like that, when he knew, and I knew myself, that I did my work, and so did everybody else in the mill. And he said—I don't know what the conversation was, but

(Testimony of Clayton Block.)

anyway he said personally he had nothing against me, but that my work wasn't satisfactory, and I guess we talked there for twenty minutes and before I left the office I was inclined to believe it myself, the way he talked to me.

Q. Thereafter, did you do anything further? Did you talk [190] to any of the other men about it?

A. Yes, as that conversation went, why, Lionel told me if I didn't think that that was right, I could ask the men about it. And I told him that I thought I would. And that night Glenn's oiling job was coming up, and the men were called on a meeting there, so when Glenn got through, I asked the men about it.

Q. That is you say at this time, the day you were fired, there was some discussion about whether or not Glenn was to have an oiling job?

A. Yes.

Q. And there was a meeting about that?

A. Yes.

Q. And then after that meeting, you talked to the men? A. Yes, sir.

Q. And what did you ask the men?

A. Well, I told the men, I think there was some of them didn't know I was fired, I told them I was fired, and I asked them all—I tried to, I got kind of sore there and blew up, I messed things up, you might say, but I tried to, and I got—I think I got every one of them personally there, and asked them—I had worked with every

(Testimony of Clayton Block.)

one of them during the ten months that I'd worked there, about ten months—and asked every one of them if I did my work or if I didn't, and there wasn't a man there that said that I didn't do my work. [191]

Q. Did you ask Pease then to change your discharge slip?

A. No, I never—oh yes, my discharge slip, yes, I asked him to change that release for me.

Q. Did he agree to change it? A. Yes.

Q. Did he give you a new one?

A. Yes, he did.

Q. He gave you a new one? A. Yes.

Mr. Jennings: I ask that this be marked as Board's Exhibit 3 for identification.

(Thereupon the document above referred to was marked as Board's Exhibit No. 3 for identification.)

Mr. Cheney: No objection.

Trial Examiner Ward: It hasn't been offered yet.

Q. (By Mr. Jennings): Showing you Board's Exhibit 3 for identification, Mr. Block, is that a copy of the termination notice that Mr. Pease gave you at that time? A. Yes.

Q. What did you do with the old notice?

A. Lionel kept that old one.

Q. You gave it back to Lionel Pease?

A. Yes.

Mr. Jennings: I'll offer Board's Exhibit 3 for identification in evidence. [192]

(Testimony of Clayton Block.)

Trial Examiner Ward: It will be received.

(The document heretofore marked Board's Exhibit No. 3 for identification was received in evidence.)

(Exhibit No. 3 printed in full, page 57, Transcript of Record.)

Q. (By Mr. Jennings) Had you had any conversation with Mr. Pease prior to the time he gave you this termination notice in which you advised him that you wanted to quit to take another job?

A. Not Mr. Pease, no. About two weeks before Mr. Pease fired me, when I was still working there, before I had that infection, I was talking to—I don't know, I think his last name is Quigley. He was Alton Jack's Bull Buck. It was in '42 or something when he was Alton Jack's Bull Buck. Well they was telling me—I set chokes for him out in the well, pulling the singers out, and Ray told me that Jack was having quite a time getting a cat skinner, and that he thought he was either going to have to take the loading up there, or he would be on a cat, and he said if he got on the cat himself, that he believed he could get me in setting chokes, and that way I could learn how the cat operated, and later he said there would be a pretty good chance for me to break in on the cat. And naturally, I jumped at the chance.

Q. Did he offer you a job, or had you any promise of a job out at Alton Jack's on April 5th, when you were fired from Cheney's?

(Testimony of Clayton Block.)

A. Through Ray, yes. Through Mr. Jack, no. It was about [193] a week later I talked to Mr. Jacks about it, and——

Q. A week after you were fired?

A. Well, no, before, about a week before I was fired I talked to Mr. Jacks about it, and he said as soon as he got in opeartion and started logging, why, that he could use me, it was on the landing.

Q. Did you tell Mr. Pease that you wanted to quit to take a job at Alton Jack's?

A. No, he didn't know it. I don't know how that come about exactly. I don't remember that. That was quite a while back. I didn't tell Lionel before he fired me, but I believe that night out there, when I was talking to the men, that I told them that I didn't care if Lionel did fire me, that I was going to quit in a couple of weeks anyway, because I had a job with Mr. Jacks.

Q. Did you ask Lionel to change your termination notice so as to show the statement that it contains now?

A. Well, not to those words, no. I just told him that I didn't think that his statement was right, and if I went any place else in the world to get a job, that I wouldn't get the job. That is all there was to it—I did have the job with Mr. Jack's, and that was all right, but if I had took that kind of a release to any other employer right now, why, I would never get a job.

Q. So you asked him to change this so as to clear your [194] record? A. Yes.

(Testimony of Clayton Block.)

Q. And he agreed to change it? A. Yes.

Q. (By Mr. Jennings) So as to make it clear, Mr. Block, at the time on April 5th, when you came to work, was it your intention to notify the Cheney Company that you didn't want [195] to work any longer?

A. No, I wasn't going to notify them until I knew when for sure Jacks could use me.

Q. You didn't know for sure when you could go to Jacks, in other words?

A. No, Mr. Jacks had set the date two or three times that he would start logging, but something happened and he couldn't do it, so I figured I'd go ahead and work there with Lionel until Jacks for sure come and told me personally that he could use me on a certain date, and would. [196]

Mr. Jennings: If the Examiner please, I should like to state at this time the stipulation between counsel with respect to the Interstate shipments made by the Company during July and August, a matter that we were questioning Mr. Cheney on early yesterday morning. It is stipulated that during July of 1943 the Cheney California Lumber Company shipped out of the state from the Greenville mill three carloads of lumber amounting to approximately 80,000 board feet and at a price of approximately \$25 for 1,000 board feet, sales price; that during August the Company shipped out of state from the Greenville mill five cars amounting to approximately 130,000 board feet and at a sales price of approximately \$25 per thousand board feet. May that be stipulated, counsel?

(Testimony of Clayton Block.)

Trial Examiner Ward: The record will so show.

Mr. Jennings: Mr. Glenn, please.

LINDSAY GEORGE GLENN,

a witness called by and on behalf of the National Labor Relations Board. [223]

Q. What has been your principal occupation, Mr. Glenn?

A. For the past years?

Q. Yes. A. Mostly sawmilling.

Q. How long have you been engaged in sawmill work?

A. Between 15 and 20 years I would say at sawmilling?

Q. Were you employed by the Cheney California Lumber Company? A. Yes, sir.

Q. When did you first go to work for them?

A. Something like February, in the month of February, 1942.

Q. And what job did you go on at that time?

A. Building the mills and repairing.

Q. Was the mill in process of being built at that time?

A. Was the mill built, did you say?

Q. Was the mill being built at that time?

A. Yes, sir; there was a mill there but they was doing quite a bit of changing and putting in another mill besides what the had.

(Testimony of Lindsay George Glenn.)

Q. And how long did you continue on that type of work?

A. Until the mill went to operating.

Q. When the mill went to operating what job did you go on? [224]

A. I think the job I went on was turning down, deck man.

Q. And will you tell me just briefly the various jobs that you have worked on at the mill?

A. In the mill?

Q. Yes. Just tell me the story of your employment out there.

A. I worked on every job in the mill.

Q. Well, tell me chronologically.

A. I filed, I cut, stripped, I sawed, I worked on the green chain, I pulled ties, I night-watched, set, in fact, all the jobs there. I am quite sure I did all of them.

Q. Now, during 1942 when you went on this turn-down job, had you any agreement with Mr. Pease with regard to what work you were to do?

A. Well, yes. Before I started to work I was supposed to saw and I went to Mr. Pease and I said, "Mr. Pease, I'm a sawyer, but I haven't cut no ties. If you have a man that you'd rather put on there as tie man," I says, "it won't hurt my feelings. You put him on and perhaps there will be a change later."

"Well," he says, "Glenn, it's your job. You can go ahead if you want to."

"Well," I says, "You are wanting production,

(Testimony of Lindsay George Glenn.)

and if you have a man, a tie man, it wouldn't be right for me to take the job, because I'm a lumber man. I've sawed, but my work has been in lumber."

"Well," he says, "In that case, if you want to," he says, "there is a man I can get, a tie sawyer right now, and [225] you take something like the turn-down, or something around there and watch the grade and then when there in an opening, why you take the sawing job."

Q. Did you continue to work on the turn-down?

A. No, I didn't all the way through. I was working as turn-down man and Mr. Pease come to me and he says, "Glenn," he says, "I'd like for you to go on another job," he says. "I'll raise your wages a little bit," he says. "I've got some men down in the yard there and they're not doing a damn thing," is the way he said it.

He said, "I need you down there. Would you let this fellow here turn down and you go out there?"

I says, "It don't make me no difference, Lionel."

Q. Did he raise your wages at that time?

A. Yes, he did.

Q. How much? A. Ten cents.

Q. What were you getting at that time?

A. I really believe—well, I was undoubtedly getting 80 cents because he gave me 90 cents. As for that, I wouldn't swear just exactly what the wages were on either job, but I did get a raise.

Q. Now, at that time did you have any agree-

(Testimony of Lindsay George Glenn.)

ment with Pease as to what job you were to do or any understanding?

A. At that very time, yes. I was supposed to go out there. He said I got four or five, maybe six, men. I don't know just what they were, but he was building runways for the carrier and the truck to load on, you know, that drive-up [226] in there—and they fixed a place for the carrier to drive over here, and the truck inside, and that was the job.

Q. Now, after you finished that job what did you do next?

A. I believe that I went back on the big mill for a few days. I don't remember.

Q. After that did you get a job that you held for a considerable period of time?

A. No. After that I was more or less on this job or that job all the way through because Mr. Pease said he would—he come to me and asked me, I believe it was on turn-down, I wouldn't say—but anyway, he says, "Glenn, would you hold your wages where they are at and would you work just here, yonder and there if there is a vacancy?"

I says, "O. K."

So that I did.

Q. How do you mean? What did you do?

A. Well, during that time I perhaps turned down on the rig some more and maybe on the green chain. I don't remember. But it was still all over the place, maybe in the planer. In other words, when I came on of a morning I didn't know just

(Testimony of Lindsay George Glenn.)

what job I would get. Maybe I would saw just whatever vacancy there was in the mill, and nobody there to fill it. That is where I would be put—maybe tail sawing.

Q. Did you have any agreement as to how much you were to get?

A. Yes. He said I would hold my wages, as I stated, and for me to work here yonder and there.

Q. Now, did the question of a sawyer's job come up [227] during this time?

A. Yes. Some time after that Mr. Strong was sawing—I don't know,—well, anyway, there was a sawing job come up and the filing, and Lionel come to me.

He says, "Glenn," he says, "I want you to take the middle rig."

Q. That is the sawyer's job? A. Yes, sir.

Q. On the middle rig?

A. Yes. And I said, "Well, O. K., Lionel," and I went and told Clyde Johnson about it. He is the sawyer. I said, "Clyde, the sawing is open here, and the filing."

Well, Clyde said, "To hell with the filing. I wouldn't take it under the hours they got it."

Well, I said, "Clyde, I'll tell you what I'll do with you. If it's all right with you and Lionel," I says, "I'll take the filing. I can't hammer saws but I can file. If you want to, in case the saw needs to be hammered, you help me," I says. "You take the sawing end and I'll take the filing."

(Testimony of Lindsay George Glenn.)

He says, "I'll do that if it's all right with Lionel."

So I went back and talked with Lionel and he says that is all right. "You boys work it out between yourselves."

So I took the filing and Mr. Johnson took the sawing.

Q. How long did you work on this filing job?

A. I'll say some three or four months, I think; and I worked there until I went to see my mother. I took a trip [228] to see my mother, whom I hadn't seen in six years, and when I got back it seemed as though the job had changed.

Mr. Pease come to me and says, "Glenn," he says, "Mr. Beem is an old man and he's not able to do jobs like you can do that comes up. I'll like you to let him have most of the filing and he says, you take a job in the mill and you can do your filing when it is necessary after the mill shuts down," and he says, "That will give you more time."

"Well," I says, "Lionel," I says, "It just don't seem right," but I did, I accepted.

Trial Examiner Ward: This all has reference to '42?

Mr. Jennings: That is right. This is in '42, isn't it?

The Witness: Yes, sir; this is '42 we are speaking of.

Q. (By Mr. Jennings) And how long did you continue to work on this part-time filing job?

(Testimony of Lindsay George Glenn.)

A. Well, I'll tell you. I didn't continue only just the length of time—I cannot state just the length of time, but I went to Lionel. I says, "Lionel, I don't know. Seems like I haven't got much of a filing job here to do and it's such a little," and I says, "furthermore, those edgers are about the worst thing we got. They get all nasty and even wet under there, and" I says, "it seems to me like it's just as well to give all the filing to one man. Because," I says, "he can do her."

And he says, "I'd like for you to put those saws up tonight"—I said I was going to quit,—and he says, "I'd like for you to put them up tonight."

[229]

And I says, "I'll do it. I'll stay here until it's in A-1 shape." And I did. Then that was the end of the filing.

Q. What job did he put you on then?

A. I don't remember, but I believe I went on turn-down again. I don't know.

Q. And did you continue to work at various jobs in the mill? A. Yes, I did.

Q. When there was extra work to do at the mill did you get a chance to do it, over-time work?

A. When there was extra work?

Q. Yes.

A. I used to do quite a bit of it, yes.

Q. I am talking about '42; 1942, I am talking about.

A. Yes, I did. I got some extra work.

Q. Now, did you continue to work in the mill until the winter shutdown?

(Testimony of Lindsay George Glenn.)

A. I worked in the mill until the mill shut down. It came about, I'd say, four or five inch snow and Mr. Pease gathered the men up around the machine shop, some of us in it, and he says, "Boys, this looks like the end of it. What do you think?"

I says, "Lionel, it sure does. I've been here quite a few seasons, and" I says, "it sure doesn't look good."

"Well," he says, "I'm going to leave it up to the men," he says. "If you think we ought to wait and see if this breaks away we'll sawmill, or if you think it's the [230] end of it," he says. "We'll just call it. Anyway, the way you boys want to do it."

I says, "It looks to me it's all of it." And I says, "there's going to be some repairing."

And he says, "I plan on working some of the boys," but he says, "I can't promise much time."

And he says, "If there's any of you wants to be loose or go somewhere else," he says, "It's O. K. with me."

Well, I says, "If it isn't steady, anywhere's near steady, Lionel," I said, "I believe I'd just as soon go down and work below. I can work down there as a carpenter and come back in the spring."

"Well," he says, "That's all right. However, I did intend to work you on this repairing, you know." Well, I said, "Lionel, I don't care about no two or three days a week. If it isn't more than that I'd be just as well off riding on my unemployed as I would working two or three days."

And I said, "I'm going elsewhere and go to work."

(Testimony of Lindsay George Glenn.)

"Well," he says, "that's O. K. You go to work and come back in the spring."

And Mr. Pease gave me a release to go elsewhere to work and says to appear on about April the 1st.

Q. On or about April the 1st?

A. Yes, sir.

Q. You just had a seasonal release so that you had to come back?

A. Yes, that is the way it was.

Q. That was so you could leave and get another job? [231] — A. Yes.

Q. Did you take that release and get another job then? A. Yes, sir.

Q. Where did you go to work?

A. I went from there to Lemon Valley over near Reno.

Q. And what job did you work on there?

A. I worked as a carpenter.

Q. And did you return then to Greenville after you finished the job down there?

A. Yes. I finished—I stayed there until they laid some three or four hundred of us off on account of it being finished up.

Q. And you then came back to Greenville?

A. Yes, sir.

Q. And did you work in Greenville?

A. Yes, sir.

Q. Where?

A. I worked at Setzer Box Company.

Q. What job did you have there?

A. I worked in the box factory.

(Testimony of Lindsay George Glenn.)

Q. And do you recall when you went back to work for Cheney in 1943? A. Can I recall?

Q. Yes.

A. When I was down there—

Q. You were down at the mill?

A. I was down at the mill. I went down to the mill and I was standing there where Mr. Wardlew and some of them [232] was putting in these slips there for the little mill, you know, to bring up logs, and Lionel says, "What are you doing, Glenn?"

I says, "Nothing."

He says, "Do you want to go to work?"

I says, "Any time, Lionel."

"Where is your tools?"

I said, "They're at home."

"Well," he says, "jump in the pick-up and go get them."

I went to get the pick-up and some of the other boys had it, and he says, "Well, get some of these boys here to go with you and get your tools" and I got Clayton Block to go up and get my tools for me.

Q. Did you go to work that very day?

A. I did.

Q. Do you remember what month that was?

A. I believe it was in February.

Q. Did you continue to work for the Company during 1943 up until the time you were fired?

A. I did.

Q. And the last day you worked was May the 20th? A. That is right.

(Testimony of Lindsay George Glenn.)

Q. You were fired on the morning of May the 21st? A. Yes, that is right.

Q. You were fired on the morning of the 21st?

A. Yes, sir.

Q. Calling your attention to 1942, do you recall any [233] occasion when Alvin Waitts was trying to induce the employees out there to join the union?

A. Yes. I remember very well Waitts trying it because I was fighting the union at that time my ownself, with him.

Q. And do you remember at that time that Mr. Pease called the men together and talked to them?

A. Yes, sir; I remember.

Q. Where did he call them together?

A. Where did he call them together?

Q. Yes.

A. He called us all together there in front of the office.

Q. And at what time of day?

A. Oh, I'd say it was after quitting time, a little after five.

Q. Can you remember what month this was when they called you together?

A. No, I don't. It was about mid-summer. I don't remember the month. Seems to me like it must be along about September. I don't know. I wouldn't speak it.

Q. What did Pease say to the men at that time?

A. Well, he got us up there and he says, "Boys," he says, "I understand that you're trying to or-

(Testimony of Lindsay George Glenn.)

ganize here," or something like that. Well, that is what he said.

And he said, "I wanted to talk to all of you," and he says, he quoted, "I pay top wages and," he says, "I don't want no union here. What we want to make out of this is [234] something like a little family affair."

And he says, "I can't see what you want a union for, and pay out a dollar and a half a month or something like that."

I'm not going to swear that he made that exact statement—I'm getting a little ahead of myself, maybe, but he made that statement that very day, because, as I said, I used to go to work at 12:00 and get off at 8:00, you know, and anyway——

Q. The rest of the men worked from 8:00 in the morning until 5:00? A. Yes, sir.

Q. You were working from 12:00 until 8:00?

A. Yes, sir. I stayed there on that there.

Q. You were working on the filing job?

A. Yes, and getting the mill ready for the next morning, you see.

Q. And do you remember anything else that Pease said to all of the men there at that time?

A. No, except Lionel said that he didn't want no union.

Q. Did you have any further conversation with Pease individually that same day?

A. Yes. Lionel came in there as I stated, and he said he just wouldn't operate under a union. Lionel told me his own self. He says,——

(Testimony of Lindsay George Glenn.)

Q. Well, will you tell me exactly what the conversation was between yourself and Pease? Was anybody else present at the time? [235]

A. No. I was down there.

Q. You were working filing?

A. The men had all gone home.

Q. The men had all gone home?

A. Yes.

Well, we were just talking about the Union, and he says, "Glenn, before I would operate under the Union, under the contract, I'd shuf the god-damned thing down air tight," are the very exact words that Mr. Pease made to me.

Q. Were you in agreement or disagreement with him at that time about the Union?

A. Well, if you're talking about 1943 I was with him.

Q. 1942 you mean?

A. If you are talking in 1941 or '42, why, I wasn't for the Union in '42.

Q. And you and Pease agreed about the Union in this discussion you had?

A. We did in '42. At that time I didn't feel that we really did need a union. Lionel was different with us and there was quite a bit of difference in '42 and '43.

Q. Now, do you remember in 1943 you were working at the mill—was the mill operating steadily during 1943? A. No, it wasn't.

Q. Did you take some time off during March?

A. Yes, I lost some time.

(Testimony of Lindsay George Glenn.)

A. Well, the mill would break down, you know. That old conveyor chain, it had—it never would stay together. [236] we'd go down and start up of of a morning. If it wasn't that thing and sometimes it were out of logs.

Q. Now, do you remember an occasion when you asked for time off to make a trip?

A. To see my son?

Q. Yes. A. Yes, sir.

Q. When was that.

A. I must have asked Mr. Pease on about the 17th of March, I believe. I believe that was the date. I asked him to get off.

Q. And he let you off?

A. O. K. He says, "Sure."

Q. Where did you go?

A. I went to 'Frisco.

Q. For what purpose?

A. To see my boy who was in service.

Q. And about how long were you gone?

A. Approximately a week.

Q. Now, when you came back did you hear anything from the employees about a union?

A. Yes, I did.

Q. What did you hear?

A. Well, the boys first one and another come to me says she's gone union.

And I says, "It has?" Well, I says, "I'm always with the majority because I believe the majority is right." I says, "You boys know that. You boys know that I fought it," [237] but I says, "if you boys went union I'm a union man, too."

(Testimony of Lindsay George Glenn.)

Q. And did you sign up in the union at that time? A. I did.

Q. Do you recall the date when you signed up?

A. No. The date I can't; but it must undoubtedly be along about the 26th. I don't know. I don't remember. It was between—I'd say between the 20th and the 25th, maybe, I don't know; maybe a day or two later. [238]

Q. (By Mr. Jennings): Now, after you had signed this card did you have any conversation with Lionel Pease about the Union?

A. Not too much, but I said, "Well, Lionel," I said,—

Q. Well, where did the conversation take place?

A. Down there at the plant.

Q. And anybody else around there?

A. No. Lionel was there. I was coming up to the machine shop after something. Anyway, I was working in the mill, I believe, at that time. Anyway, I went into the machine shop.

Q. How long was it after you signed this card that you talked to Pease?

A. Perhaps the next day; I wouldn't say for sure. Next day or so.

Q. All right. What did you say and what did Pease say on this occasion?

A. Well, I says, "Lionel, she went Union while I was gone."

And he said, "No."

I said, "Yes, the majority of them signed up."

And I said, "I signed up," and when I said that

(Testimony of Lindsay George Glenn.)

he said, "Well, Glenn!" and that is the worst he said. And he stood there [239] a few minutes and he says, "Well, listen, they haven't signed a majority."

I says, "Yes, they have, Lionel."

He says, "They just told you a God-damned lie to get you to sign the card." He said, "Boyd Wyatt told you a god-damned lie to get you to sign."

And I said, "No, Lionel, that is not true." I says, "The majority has signed."

He says, "How do you know?"

I says, "I know because I have seen the cards," and I told him I had signed. That was at that very moment, that was about the end of that conversation.

Q. Now, after you came back and after you had had this conversation with Pease what job were you put on, after you came back from visiting your boy?

A. I believe that I worked on the chain a day and a half or two days, and then behind the edger.

Q. Behind the edger as a strip catcher?

A. Yes, sir; I think that is it.

Q. During the period of time that you worked at the Company, prior to the time when you joined the Union, had you worked behind the edger?

A. Some. As I stated, I never knew where my job was, you know.

Q. And you say you had worked some. Did you work steadily behind the edger?

A. I never did figure I had a steady job behind the edger before that, no, I didn't. [240]

(Testimony of Lindsay George Glenn.)

Q. What was the longest period of time that you had worked behind the edger up to the time you joined the union?

A. I wouldn't say that. I don't remember.

Q. Well, approximately?

A. Oh, maybe a couple of times a week, you know. A few times they'd be short handed and maybe the boy behind there, that is, Shorty,—I don't know the fellow's name behind there—but he had a habit of laying off quite a bit or once in a while, you know, and I'd always take his place, whoever was off.

Q. You filled in whenever anybody was off in the plant?

A. What did you say?

Q. You say whenever people were off at the plant you filled in in their job?

A. Yes.

Q. The strip catching job and the other jobs too, is that what you mean?

A. Yes, sir.

Q. Now, after March 27, 1943, after you joined the Union, what job did you hold at the plant?

A. I was behind the edger.

Q. Any other job?

A. I might have worked on the green chain two days but my job was behind the edger.

Q. Had you ever had that job steadily before?

A. Behind the edger?

Q. Yes. [241]

A. No, I never had took it for a job. I never had it for a steady job.

Q. Had you ever discussed that job with Pease?

A. Well, yes. Behind the edger?

(Testimony of Lindsay George Glenn.)

Q. Yes.

A. Well, I had made the remark to Lionel that that was one job that I wouldn't take steady in the mill, that and tail sawing. But of course, if it was a few days until they could get somebody, I'd go anywhere, but there is two jobs that I won't take steady, and that was tail sawing was one, and behind the edger was the other.

Q. Prior to the time that you joined the Union had you had any conversation with Mr. Pease about Ira Ware? Do you remember any conversation?

A. Well, now, Lionel and I were talking once about Ware, and Lionel said to me, he said, "Well," something about Ware, "Well, I'm going to get rid of Ware," he said. "If the Union gets in," he said, "I couldn't get rid of him then so easy maybe." Now, that is what Mr. Pease told me.

Q. Now, after you—strike that. Before the time that you joined the Union, what was the relationship between yourself and Lionel Pease?

A. Well, I don't know. Lionel and I used to get over swell. We'd meet of a morning, stop and talk about the mill or something, or discuss one thing or another.

Q. How did he treat you insofar as jobs were concerned, extra work, and things of that sort?

A. Beg your pardon? [242]

Mr. Jennings: Would you read the question, please?

(Question read by the Reporter.)

(Testimony of Lindsay George Glenn.)

Q. What treatment did you receive from Lionel Pease before you joined the Union?

A. O.K. It was always all right. I was treated—couldn't have been treated better. You couldn't ask for any more, Q. K., he was all right.

Q. Now, after you signed the Union card was there any difference in the attitude Pease showed towards you or any difference in the treatment you received?

A. I would say that Lionel would even pass me and put his head down and not speak to me, so help me!

Q. Now, do you remember that some time after the Union started to organize the employees in 1943?

A. Yes, sir.

Q. And you have joined—Mr. Pease called the employees together in front of the office again?

A. Yes, sir.

Q. And were you present at the time he did that?

A. Yes, sir.

Q. Where was this second meeting held?

A. It was out there in front of the office.

Q. What time of day was this?

A. It was after working hours.

Q. And how many of the men were gathered there?

A. Practically all of them, I would say.

Q. Do you remember what Pease said to the men at that time? [243]

A. Yes. I don't know as I remember all of it, but he gathered us all up there, you know, made us

(Testimony of Lindsay George Glenn.)

another talk and told us, he says, "I'm going to raise wages and I'm going to grant seniority," and he says, "I don't see where the Union could do more or where you need a union."

Q. What else did he say?

A. Well, that is about all I know of at that time.

Q. Did he make any suggestions as to what he wanted the employees to do?

A. Did he make any suggestions for what?

Q. Did he suggest to the employees—

A. Well, I believe it was on that day, either that or the next one after that, that he had worked out a working agreement that he had made out himself that he wished we would appoint a committee to come in and look it over and see what they thought. I believe that is about the time that he said that; I wouldn't swear to it.

Q. It was either that day or a day or so later that he told you?

A. Somewheres near that date.

Q. He told you that he had some agreement worked out? A. Yes.

Q. And he wanted a committee appointed?

A. Yes, sir.

Q. Did the men choose a committee?

A. Well, I don't—yes, I believe we did.

Q. Or was it appointed by Lionel; do you remember?

A. I don't think the committee was appointed by Lionel; [244] no, it wasn't. I would say no.

(Testimony of Lindsay George Glenn.)

Q. And who were on the committee?

A. Jake Williams and Harry Major and myself.

Q. Now, did that committee have any conferences with Mr. Pease?

A. We did.

Q. And where were those conferences held?

A. In his office.

Q. And what did Mr. Pease say to the committee when you came into the office?

A. He says, "Boys," he says, "I've got a working agreement wrote out here that I want you to look at and see what you think." He says, "Now, here we start off with the sawyers," he says, "I'm going to raise them to a dollar sixty-five—" I believe was on it—well, I thought that is very good, and he said, "Well, I have a list of all the men, what rating, what each and every job was going to be," and I would say that it looked good and reported to all the men that it did.

Q. Your committee went out and reported to the men?

A. Yes, sir.

Q. That the wages were good?

A. Yes, sir.

Q. Was there anything in this document with regard to seniority?

A. I said to Lionel, "Lionel," I says, "that looks very good, but," I says, "you know, as you have heard before here," I says, "the boys are scrambling more about seniority, talking [245] more about seniority than anything else." He says, "Seniority is being granted," he says, "if we got

(Testimony of Lindsay George Glenn.)

a man here with a day's seniority over the other man," he says, "it's his job."

Well, then, I even spoke up myself.

"Well," I said, "that would mean, Lionel, ability wouldn't count?"

And he says, "Ability shall prevail."

Q. That is, if the man could do the job and he had seniority, why, he got the job?

A. That is right.

Trial Examiner Ward: Have you fixed the date? Do you remember the approximate date of this committee? One other witness has testified to a committee and I don't think the record shows the date.

Q. (By Mr. Jennings): Do you recall, Mr. Glenn, about how long after you returned from your trip to San Francisco, that this meeting was called, in which Pease talked to the men about the committee?

A. No, I can't name the date.

Q. Did he talk to the committee before the question of your getting the oiler job came up?

A. Did he talk to the committee before the oiling job came up?

Q. Yes.

A. Before I asked for it, is that the question?

Q. That is right, yes.

A. Well, the committee had already been informed, and as I stated, he stated there would be seniority in the plant. [246]

Mr. Jennings: And I think I can fix the time.

(Testimony of Lindsay George Glenn.)

Mr. Examiner, by reference to this other matter that came up.

Q. You remember that after this committee was formed and after Mr. Pease had said that seniority would prevail, the question of who should get the job of oiler came up? A. Yes, sir.

Q. And you say that the committee was already in existence at that time?

A. Yes. The committee had already been appointed.

Q. Yes. Now, who got the oiler job out there?

A. Christensen, George Christensen.

Q. Did you claim the job?

A. Beg pardon?

Q. Did you claim the job?

A. Yes, sir; I did claim the job.

Q. Upon what basis?

A. Well, I had more seniority than George. And, of course, they claimed I quit, but after all, Mr. Christensen quit and went off of the job.

Q. I don't want to get into that. You claimed it on the basis of seniority? A. Yes.

Trial Examiner Ward: Off the record.

(Remarks off the record.)

Trial Examiner Ward: On the record.

Q. You claimed that you were entitled to this oiler job because you claimed seniority over Christensen? A. Yes, sir. [247]

Q. Did you get the oiler job or did Christensen get it? A. I didn't get it.

Q. Now, after you didn't get the oiler job, do

(Testimony of Lindsay George Glenn.)

you recall an occasion when you asked Pease for permission to talk to the men about it?

A. I went down on Sunday—you said after I didn't get it?

Q. Well, when the job first came up, you knew Christensen was supposed to get it?

A. I said, "Mr. Norberg, will you go down and talk with me to Lionel?" I says, "I want to oil." Well, he says, "You should have it."

Well, I said, "You know that he has granted seniority. I believe I'll take that job."

He said, "If we had a day's seniority or had seniority over the other men we could have it."

That was on Sunday morning and I went down and talked with him and I said, "Lionel," I said, "You said we could have seniority here, didn't you?"

"Yes, sir."

"Well," I said, "there is a job here I would like to have. It's a better job than I've got and I'd like to have the oiling job," I said.

"Oh," he said, "Hell, Glenn, you can't get that oiling job. If you would get that," he said, "I would lose four or five men."

Mr. Norberg then spoke up and he said, "Lionel, you couldn't loose four or five men on account of that." He [248] says, "that is only granting seniority rights, that you promised."

He said, "Hell, they'd all leave if he is to take it."

(Testimony of Lindsay George Glenn.)

Q. Who were these men that were going to leave?

A. He said his Washington boys, I believe, he said four or five of them, the Washington boys.

Q. Was Christensen one of the men who had come down with Pease from Washington?

A. Yes, sir; I think he was.

Q. And there were four or five of them altogether who had come down with Pease from Washington?

A. Yes, sir.

Q. Then did you reach any agreement with Pease at that time that you were going to call a meeting of the men?

A. I said—He said, "Well, now," he says, "Glenn, I'll tell you," he says, "We'll leave that to a vote tomorrow evening," he said. "You stop all the men at the gate and we'll have a vote on it," and he said, "if the majority thinks that it's your job," he says, "it is."

That I done. I stopped at the gate and stopped the men and told them that evening that we were going to take a vote on it.

Q. And you discussed the matter with the men?

A. Yes. And we were going to vote to see if I should have the oiling job, naturally.

Q. Now, you remember that you talked to all of the men about this time. Now, I am just trying to fix the date. Now, you remember you talked to all the men about it in front of [249] the gate there?

A. Yes, sir.

Q. Now, do you remember whether that was the

(Testimony of Lindsay George Glenn.)

same day that Clayton Block was talking to the men? A. Yes, sir; it was.

The Witness: I remember of talking to all the men and stopping all the men at the gate.

Q. (By Mr. Jennings): Yes. Now, do you remember whether that was the date that Clayton Block also was talking to the men?

A. That was the same date but it was a little later.

Q. That is after you finished talking to them?

A. We wasn't finished, but I said to the boys,—naturally I told them all that day that Lionel said, and Harold Norberg did too, that I could have the oiling if it was [250] all right with the majority of the men that I should have it, and we were to put it to a vote, and I said, "Boys, all of you that feel that I'm qualified, why, we'll vote on it."

And Lionel said, "We won't do that," after telling us we could.

Q. Well, I don't want to get into all of that. What I am trying to get from you, Mr. Glenn, is whether or not this was the same day that Clayton Block was fired.

A. Well, I wouldn't say that. I will say that it was the same—that Block was there that very day, and he had his quitting slip or firing slip, or whatever you would call it, trying to get it adjusted that evening. That is all I know about that.

Q. That was the same evening, then?

A. Yes, sir.

Q. That you had this talk about the oiling job?

(Testimony of Lindsay George Glenn.)

A. Yes, sir.

Q. And the committee then was formed some time between this date—

A. It was formed—

Q. No, wait a minute now. The committee was formed some time between the date you joined the Union, which was March 27th, and the date that there was this meeting of all the men to talk about the oiler job with you, and Block's discharge; is that right?

A. I didn't quite understand that question.

(Question read.) [251]

A. That is right. The committee was already formed.

Q. Now, after you didn't get the the oiler job, did your activity in the union change in any respect?

A. Well, yes. I went to helping the boys get the cards signed up then.

Q. What did you do? Had you been active before that time?

A. Nothing only signing up myself.

Q. What did you do after you didn't get the oiling job?

A. I got a bunch of cards in my pocket and after the mill had shut down I went to first one house and the other and I got six that night and five the other, and we had 42 men on the payroll; I believe it was six and five; there was 40-some-odd men. I think, on the payroll and we had 33 or 34 cards to present.

(Testimony of Lindsay George Glenn.)

Q. Did you do anything more than sign up those 10 or 11 employees in the Union? That is, did you engage in any other activity for the Union?

A. Well, that is about all. I talked to some of the boys that were there and tried to convince them, or talk to them, reason with them where it wasn't really getting done right, and I didn't have much trouble getting them to sign. They all signed for me.

Q. Now, did you wear a Union button?

A. Did I what?

Q. Did you wear a Union button?

A. Yes, sir.

Q. Afterwards? [252]

A. Yes, sir. After I became a Union member I wore my button.

Q. And where did you wear it?

A. Well, maybe I wore it on my hat, or sometimes on my shirt.

Q. Who was the foreman at this time?

A. Higday, Herman Higday.

Q. Now, did you ever have any conversation with Higday in which he made some remark about your Union button or criticized your wearing it?

A. Yes, sir; I did.

Q. Do you remember when that was?

A. I don't remember the date, but it wasn't so very long before the election. Anyway, we was talking about unions and he said it wouldn't go union, and I said, "Yes, it will."

He says, "I'd like to bet you," and I said, "Well, you could get it called."

(Testimony of Lindsay George Glenn.)

"Well," he says, "Well, put your money up."

And I put my money up.

Q. What did you bet?

A. I bet two dollars.

Q. You bet two dollars with Higday and what was the bet?

A. I bet two dollars that it went Union by a certain date, and it didn't, and I paid off.

Q. You had to pay Higday?

A. I had to pay the bill. And we were talking about the button. I don't know whether you could really tell, with [253] these women here what he did say about it, but I'll put it this way: He said that God-damned button you got don't mean nothing, nothing but a damn fool would wear that any way.

I said, "Don't talk that way, Herman," and I said, "You could call me that, but my wife belongs to the union and she has to at Setzer's and you better not call her no damn fool."

And he said, "I'll pin that on—" he didn't say the seat of my *britches*, either—now, that is the truth.

Q. Now, you recall your previous testimony that after the end of March after you returned from down below you were working on the strip-catcher job regularly?

A. Most of the time, yes, sir.

Q. Can you describe that strip-catcher job for me? Tell me what the job is, what you are required to do?

(Testimony of Lindsay George Glenn.)

A. Yes, sir; a strip-catcher works behind the edger. The lumber and strips come out together on live rollers and one man stands on the right hand, the right-hand man, the strip catcher, and he is supposed to catch the strip and put them in the hog. If the hog was running he put *in* in, and if he wasn't, we had to put them in the conveyor down below.

Q. What does the other man do?

A. The man on the left?

Q. Yes.

A. He was supposed to—well, he was a lumber spotter, is the name of the job. He is a lumber spotter trimmer. [254]

Q. And is he to help the strip catcher when it's necessary?

A. Yes, he helps the strip catcher when he can.

Q. When you first worked on the strip catcher job was there any hog in operation?

A. They didn't use to be a hog there.

Q. And what did you do with strip when there was no hog?

A. All went in the conveyor.

Q. You threw them into the conveyor?

A. Yes, sir; well, now, that was this year, of course. Last year was a little bit different set-up. We had to throw them on bunks and truck it back in and get them and take them off, last year.

Q. But this year you either threw them on the conveyor belt, or you threw them in the hog?

A. Yes, sir.

(Testimony of Lindsay George Glenn.)

Q. And do you recall about when the hog was built?

A. ~~No, I can't.~~ I can't give you the date on that. I doubt if I even know the month it was. I don't remember.

Q. Was that some time this year?

A. Yes, sir.

Q. 1943? A. Yes, sir.

Q. Now, will you describe the hog for me?

A. The hog? Yes, sir.

Q. Yes, what was the nature of this hog?

A. The hog is to grind up slab and such as that for [255] fuel or waste that is no good, you know, and go on out to the burner.

Q. And there is a conveyor that leads up to the hog?

A. There is a conveyor, I'd say, between 25 and 40, maybe 50 feet long. I don't know the length of it. It's just a kind of a V-shaped, or just a trough, we'll call it, a rough trough that elevates up on about a 45-degree, or more.

Q. At a 45-degree or more angle, and it runs up?

A. Something like that; yes, sir. And the conveyor takes them right to the hog and the hog grinds them up and then they drop back down into the conveyor in dust or fine parts.

Q. And there is a chain that runs up this trough that carries the strip? A. Yes, sir.

Q. Now, after that hog was installed, what was your job? What were you required to do?

(Testimony of Lindsay George Glenn.)

Q. Why did Mr. Allan ask you who Mr. Cheney was?

A. Mr. Allan and I were talking. I made a suggestion. I said, "Mr. Allan, we ought to talk to Mr. Cheney about this job around here." I said, "There is some little things that could be corrected that would be different." That is my way of saying it. And I said, "I believe if a man would talk with him he might talk. You can't talk to Lionel." I said.

And he said, "Well," he said, "if you want to, we'll do that."

And I said, "Well, I think it would be an idea."

Q. Did Mr. Allan then talk to Mr. Cheney?

A. Yes. I pointed him out, and I said, "That is him;" I said, "let's have a meeting with Cheney and talk with him."

He said, "O. K."

Well, later on in the day I said, "Allan, I don't know. I don't guess there is any use of us talking to Mr. Cheney." I said, "After all, Lionel is the whole thing here," and I said, "I don't guess it would do any good." [265] And decided not to talk to Mr. Cheney.

Q. Now, had Mr. Allan gone to Mr. Cheney and arranged for a meeting? A. He had.

Q. And you decided to call it off? A. Yes.

Q. Now, did anything unusual happen on May the 20th?

A. That was the last day, wasn't it?

(Testimony of Lindsay George Glenn.)

Q. Yes.

A. No; except—no, nothing unusual about my job; no—there was too. The carrier broke down, if I remember—the carrier was broke down and our job was a little different on account of lumber being piled about 10 feet high behind us and nowhere to throw no strips or no nothing.

Q. Did you say that lumber was piled in back of you about 10 feet high?

A. Yes. We had lumber piled back there, I'll say eight anyway, 'way above our head.

Q. And what was the reason for the lumber being piled back there?

A. The carrier was broke down and they couldn't—we always put it on carts, you know,—and the carrier runs it out of our way.

Q. You couldn't do that?

A. No, we couldn't do that. The carrier was broke down. [266] You couldn't get rid of them so we had it just piled about, I'd say, 10 or 12 feet, something like that, and higher than our heads, 'way higher than our heads, very little working space in there that day. That made it a little unusual, we'll call it.

Q. You were pretty cramped working in there?

A. Beg pardon?

Q. You were cramped in there?

A. We didn't have good working room by a whole lot.

Q. Now, did Mr. Higday come around and talk

(Testimony of Lindsay George Glenn.)

A. The same thing I was required to; instead of putting the strip in there in the hog—in the conveyor, to put them into the hog, you see.

Q. In other words, you were not to throw them down below on the conveyor?

A. That is right. When the hog wasn't running but there was some numerous times even, the hog—when we first installed it, we couldn't get it to go because I'd pile my conveyor full and it would stop and stay there and the chain would just grind around them and I'd have the bottom full and there they were. [256]

Q. What did you do then?

A. I put them in the conveyor, some of them, but I wasn't warned very hard before that to keep them out of there; I was not—

Trial Examiner Ward: Just answer the question. We'll come to the warning later.

Q. (By Mr. Jennings): Now, were adjustments made in the hog so that you got it working well?

A. Yes, sir; they got it to working better.

Q. Now, had there been any difficulty with the chain on the conveyor? A. Yes, sir.

Q. During the period of time that you worked there? A. '42 and '43 both.

Q. What was the trouble?

A. Well, it would just break.

Q. Was it an old chain or a new chain?

A. Well, what I think was the trouble—it was running too high speed in the first place. In other

(Testimony of Lindsay George Glenn.)

words, they got it slowed down now. Well, they got a new chain in now and it would break sometimes as high as six or seven times a day.

Q. Then you'd have to stop the mill and repair it?

A. We'd have to stop the mill and repair it.

Q. Now, did the chain break after the hog was installed? — A. Yes, sir.

Q. And after you were throwing the strips up into the hog? [257] A. Yes, sir.

Q. Now, after the hog was installed, and was in good operation did you have,—or did you receive any specific instructions with regard to what you were to do with the strips? A. Yes, sir.

Q. What were those instructions?

A. Herman said, "Don't put them in the conveyor."

Q. And where did he tell you to throw them?

A. He said put them in the hog.

Q. Throw them up in the hog? A. Yes.

Q. And throw none of them in the conveyor?

A. Yes, sir.

Q. Now, after Herman Higday told you to do that, told you not to throw them in the conveyor, but to throw them in the hog, where did you throw them? A. I threw them in the hog.

Q. Did you throw any of them in the hog conveyor?

A. Yes, I did. I threw all of them in the hog conveyor.

(Testimony of Lindsay George Glenn.)

Q. Did you throw any of them in the conveyor?

A. I said if I can't get them out—he says, “You're not going to pass the buck on me—” I says, “Herman told me not to throw any more in there,” and I says, “I'll let them go through the planer before I will throw them in the hog.”

Q. Before you'll throw them in the conveyor, you mean?

A. Yes, I says, “You talk to somebody else because [258] I'm not going to throw them in there.”

Q. In fact, did you throw any strips on the conveyor belt after Higday gave you this warning?

A. Not after he give me the warning. He says, “Glenn, I ~~says~~ don't throw them in there. I'm not going to have them in there.”

I says, “What are you going to do with them?”

He says, “Don't put them in there.” He says, “Pile them in behind somewhere.”

I says, “O. K., them that I can get ahold of. If I can't put them in the hog,” I says, “I'll jerk them back here or let them go over the chain again,” and I told Earl what I had done.

Q. Well, did he say that was all right?

A. Anything but the hog, he said, anything but the bottom conveyor.

Q. Throw them anywhere except in the conveyor?

A. Then he come back after a while and he said there is some short ones going in there, and I said, “They drop in there from any size. They'll have to get in there. They got in there without even

(Testimony of Lindsay George Glenn.)

putting them in there," and I said, "I haven't put them in."

Q. Now, did you continue to work on this job up until the time you were fired?

A. Yes, sir.

Q. Did you after you received this warning from Higday receive any—hear from him any further about throwing the strips in the conveyor?

[259]

A. Yes, sir; about three or four times a day, more or less, he'd come and jump on me. I'd say, "Herman, I'm not doing that," and the last day before I was fired he come around there. He says, "By God, I said don't put them in there."

I says, "Herman, I'm not doing that."

He says, "There is the strip just went through."

I said, "You jump on that big son-of-a-gun. I'm not doing it."

Whom did you refer to as the big son-of-a-gun?

A. This fellow here.

Q. Mr. Allan? A. Yes, sir.

He says, "I'll get him. I'll get him."

I says, "Tell him about your troubles. Don't talk to me," and he didn't say a word to Mr. Allan. He just passed him on by.

Q. Did Higday seem interested in finding out whether or not you were throwing strips in the conveyor, did he watch?

A. He was around quite often, him and Lionel, both.

(Testimony of Lindsay George Glenn.)

Q. Now, did you ever throw any strips in the conveyor.

A. I wasn't throwing those strips in there at all.

Q. Did he ever accuse you of throwing strips in?

A. Yes, he accused me of it, and as I said, I said, "Jump on to that fellow over there." [260]

Q. Do you know whether or not Mr. Allan threw any strips into the conveyor?

A. The strips went into the conveyor on his side; yes, sir.

Q. Did Higday—did you ever hear Higday say anything to Allan about it? A. No, sir.

Q. Did Mr. Pease ever say anything to you about it?

A. Mr. Pease never did say one word to me about it.

Q. Did Mr. Cheney?

A. He came up there and stood one time around me about 10 minutes, and I throwed one up high there, and I said, "Watch, Lionel, they're liable to fall on you."

He says, "Don't think I'm not watching."

And that is really when I seen he was sore. I didn't even know it when he first came up there.

And I says, "Watch, Lionel, they might jump out."

And he said, "Don't think I'm not watching."

That is just what he said to me.

Q. Now, you recall that during this period of time there was some sentiment, some discussion among the men about the Union in the plant?

(Testimony of Lindsay George Glenn.)

A. Yes; there was.

Q. And what position were you taking with regard to the Union? [261]

A. Well, I leant to the Union, of course. We discussed it among each other and would say, "Well, have you seen him, to see if he'd sign?" or something like that, you know.

Well, they more or less had asked me to go around and see them.

Well, I said, as far as caring to ask a man to join a union I'd just as soon as Lionel Pease or Cheney, either one.

Q. Now, was there any group of men out there who were opposed to the Union?

A. Who were opposed to it?

Q. Yes.

A. Yes, sir; there was some who were opposed to it.

Q. And what was your relationship with those men? Were they friendly towards you or otherwise?

A. God, no! They'd criticize me hard.

Q. In what respect would they criticize you?

A. Well, as I stated a minute ago, as far as that goes, they'd say nothing but a damn fool would want to belong to it, pay your money out for nothing, or something like that. But the big sawyer out there was one. He said nothing but a damn fool would want any union.

Q. What was his name, do you remember?

A. I don't know what the sawyer's name is.

(Testimony of Lindsay George Glenn.)

Q. Was it Mr. Manning? A. That is it.

[262]

Q. Now, did you have any argument with the men out there other than about the Union?

A. Yes; we were discussing it always.

Q. Now, you remember that an election was held out at the plant on May the 22nd, 1943.

A. Do I remember the day of the election?

Q. You remember that the election was held?

A. Yes, sir; I remember when it was held.

Q. It was a Saturday? A. Yes, sir.

Q. And you recall that prior to the date of that election you had some conversation with Boyd Wyatt? A. Yes, sir.

Q. About representing the Union?

A. Yes, sir.

Q. And what did Wyatt tell you?

A. Well, he said he wanted me to act out there on that vote counting and challenge the votes to see if they were eligible.

Q. You were to act as the Union observer in the election? A. Yes, sir.

Q. Do you recall when you were informed that you were to be the Union observer? How long before the election?

A. No; but it was some few days before.

Q. Now, do you remember notices of election were posted? [263]

A. They were posted on the building, yes.

Q. And how long before the election was it that the notices were put up?

(Testimony of Lindsay George Glenn.)

A. Some three or four days I would say, two, or three or four days; something like that. I don't know just how many days. I don't remember.

Q. Now, calling your attention to the 20th of May, as I recall your testimony, that was the last day you worked? A. Yes, sir.

Q. On that day was there any difference in the job that you had been doing? Was there any change in the job or was it just the same job that had been there all the time?

A. I was on the same job that I had been holding there.

Q. You were working as a strip catcher?

A. Yes, sir.

Q. Were you doing your job as usual on that day? A. Yes, sir.

Q. Now, had there been some discussion between you and Mr. Allan, also on the strip catcher job, about the job there? A. About the job?

Q. Yes.

A. Oh, perhaps we talked about the job as men do on any job.

Q. Now, do you remember on that day that you saw Mr. [264] Cheney around the mill. Ben Cheney?

A. Yes, sir; I remember Mr. Cheney.

Q. And did Mr. Allan ask you who Mr. Cheney was, do you remember that?

A. Well, I guess he did. He didn't know Mr. Cheney. I pointed and showed him Mr. Cheney when he come around.

(Testimony of Lindsay George Glenn.)

to you about the strips on the last day that you worked? A. Yes, sir.

Q. What did he say?

A. He'd say, "Glenn," he'd say, "don't throw them strips in there." He came to me as many as three times, I'd say.

"Herman, I'm not throwing those strips in there," and the last time he comes to me, he just said, "By God, I said don't throw no strips in there," he said.

"I'm not throwing no strips in there," I says.

He says, "I've been out there watching you."

I said, "Jump onto that fellow over there," I says. "I'm not the only one here," I says, "you jump on him. Tell him your troubles." I said, "Herman, I'm not throwing no strips in there." And he says, "I'll get him," but he never did speak to Mr. Allan. [267]

Q. Did Mr. Pease say anything to you about the strips on May the 20th, the last day you worked?

A. Mr. Pease did not say one word. He came up there and stood for some five minutes, maybe a little more, as I stated a minute ago, and I said, "Lionel, one of them is liable to bit you."

I says, "Watch the strips."

He says, "Don't think I'm not watching."

He didn't say one word to me.

Q. Did Mr. Cheney say anything to you?

A. Mr. Cheney ~~didn't~~ say nothing to me.

(Testimony of Lindsay George Glenn.)

Q. Now, after you finished work on May the 20th, did you check out as usual?

A. Same thing.

Q. Did Mr. Pease, Mr. Higday or Mr. Cheney say anything to you before you left that night?

A. No, sir.

Q. Did you return to work as usual on the morning of May 21st, the day before the election?

A. I did.

Q. And did you go to work? A. No, sir.

Q. Why not?

A. Well, I started up to my job, you know. We blow a five minute whistle there, and I started over there and [268] Herman said, "Pease wants to see you down at the office."

Q. You went over to the office?

A. I went out there to the office and sit around out there in front of the office until he came down some thirty minutes later.

Q. Did Pease talk to you at that time then?

A. Yes, sir. He talked to us at that time.

Q. Do you remember what he said?

A. No, perhaps not exact words.

I think I asked him, I said, "Lionel, what is the matter?"

Well, in other words he brought it to where we wasn't working. Of course, just what words I don't remember.

Q. He said you weren't working there anymore?

A. Yes, sure.

(Testimony of Lindsay George Glenn.)

Q. Now, after you found that out, did anything more happen that morning? A. Yes.

Q. What happened?

A. Well, we was there talking and someone went to Harold Norberg and told him, told him they fired Glenn and Allan and Harold Norberg come up there and Harold said, "Lionel, what did you fire him for? What are you firing Glenn for?" And Lionel—I don't know—he said, "I'm had Glenn [269] on every job in the sawmill," and he says, "there's not one job can he do."

Now, the conversation as to whether he said directly while Harold was there, or he might have waited until a few more of them gathered up, but that is what he told them he was firing me for.

Q. A number of the other men gathered around?

A. Every man come out there and Harold told them after they all got there, and he said, "Well, we'll just shut the whole thing down."

Harold says, "If you're going to fire him," he says, "you're not going to fire him or we'll all walk out," and they did, and they discussed it around there some 30 minutes and I said, "Now, listen, boys, this is nothing." I said, "We shouldn't stop production. You boys all go back on your job because there is a different way of settling this than the whole bunch walking out."

Q. Did you tell them what other way there was?

A. No, I didn't speak it up then.

Q. What way did you have in mind?

(Testimony of Lindsay George Glenn.)

A. Certainly I had to follow Mr. Wyatt to see what he could do with it. I had on my mind to talk to Mr. Boyd Wyatt to see what could be done.

Q. What happened then next?

A. What happened next? [270]

Q. Yes. A. Well,—

Q. Did they stay out or did they go back?

A. They went back, all I believe, except there was some three, maybe four that said they would never go back until he put me back and I believe there was three quit and I could swear two.

Q. Were these men that quit Union men or were they non-union?

A. They were Union men because they signed the cards.

Q. Now, you said that almost all of the men left the mill and came out there?

A. All but I'd say four or five, maybe six, gathered up there and Mr. Manning didn't, and, well, just one man on the street. I don't know all their names, but there was four or five, something like that.

Q. Four or five men stayed on their jobs?

A. That is true.

Q. Including, you said, Manning?

A. Yes, sir.

Q. Were the men that stayed in the mill, were they Union or non-Union?

A. They were non-Union. Some of them were, that is, there wasn't all AFL members. We know that. They were non-Union. [271]

(Testimony of Lindsay George Glenn.)

Q. Now, did you receive a termination slip from Mr. Pease? A. Yes, sir.

Q. On that day or the following day?

A. That day or the next.

Q. Have you that slip?

A. No, I haven't, but it's just exactly like Mr. Allan's. It says, "Voluntarily quit."

Q. Was that the slip Mr. Pease gave you?

A. Yes, sir.

Q. Was that true? Did you quit?

A. No, sir; why, no. I didn't quit. I quit because they stopped my pay.

Q. You mean you were fired?

A. I was fired. I offered to go back to work and asked them and tried to reason.

I said, "I can't see why you fire me. I'm always the first man on your job on repairs," and I can prove that by two-thirds of every man there yet.

Q. And what did Pease say?

A. Well, I don't know just exactly. Anyway, he wouldn't reinstate me.

Q. Now, during the period before you were fired, were you making any unusual effort to stay at work? A. Stay on my job? [272]

Q. Yes.

A. Boy, I was exerting every ounce in me.

Q. For what reason?

A. Well, I was expecting what I got, maybe. I knew that Lionel was bitterly opposed to the Union, how well I knew it! And I knew that if he got a chance I might get fired and I was trying to exert

(Testimony of Lindsay George Glenn.)

myself to stay until after the election anyway, and I had always heard that Mr. McClure was going to be there and I felt that——

Q. Who is he?

A. He is the foreman that was down there. I think that is his name. And I thought that I could work for him anywhere, and I was exerting myself to hold my job.

Q. You were fired then before the consent election took place? A. Before the election.

Q. Yes. A. Yes, sir; the day before.

Q. Did you act as the Union's observer in the election, even though you had been fired?

A. Yes, sir.

Q. Did you vote in the election?

A. Yes, sir; I voted a challenged vote.

Q. That vote hasn't been counted?

A. It hasn't. [273]

UNITED STATES CIRCUIT COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 10787

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

CHENEY CALIFORNIA LUMBER COMPANY, RESPONDENT

Proceedings had in the United States Circuit Court of Appeals
for the Ninth Circuit.

United States Circuit Court of Appeals for the Ninth Circuit

Excerpt From Proceedings of Monday, March 26, 1945

Before GARRECHT, MATHEWS, and HEALY, Circuit Judges

Order of submission

Ordered petition to review argued by Mr. John Jennings, Regional Attorney, National Labor Relations Board, counsel for petitioner, and by Mr. Chaffee Hall, counsel for respondent, and submitted to the court for consideration and decision.

United States Circuit Court of Appeals for the Ninth Circuit

Excerpt From Proceedings of Saturday, March 31, 1945

Before GARRECHT, MATHEWS, and HEALY, Circuit Judges

Order directing filing of opinion and filing and recording of decree

By direction of the Court, ordered that the typewritten opinion this day rendered by this Court in above cause be forthwith filed by the clerk, and that a decree be filed and recorded in the minutes of this court in accordance with the opinion rendered.

United States Circuit Court of Appeals for the Ninth Circuit

No. 10787. March 31, 1945

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

CHENEY CALIFORNIA LUMBER COMPANY, RESPONDENT

Petition for enforcement of an order of the National Labor Relations Board

Before GARRECHT, MATHEWS, and HEALY, Circuit Judges

PER CURIAM. The order of petitioner, the National Labor Relations Board, against respondent, Cheney California Lumber Company, dated December 30, 1943, will be modified by inserting the word "discriminatorily" between the word "by" and the word "discharging" in paragraph 1 (a) of the order; by striking out all of paragraph 1 (b);¹ by adding to paragraph 2 (b) a proviso to the effect that, as used in that paragraph, the term "loss" means loss actually incurred, and the term "net earnings" includes those which the employee could have earned, but has, without excuse, failed to earn;² by striking from paragraph 2 (c) all references to paragraph 1 (b); and by amending paragraph 2 (d) so that, instead of requiring notice to be given to the Board's regional director within 10 days from the date of the order, it will require such notice to be given within 10 days from the date on which our decree becomes final.³

As thus modified, the order will be enforced.

[Endorsed:] Opinion. Filed March 31, 1945. Paul P. O'Brien, Clerk.

¹ Cf. National Labor Relations Board v. Express Pub. Co., 312 U. S. 426, 432-438; National Labor Relations Board v. Mason Mfg. Co., 9 Cir., 126 F. (2d) 819, 814; National Labor Relations Board v. Walt Disney Productions, 9 Cir., 146 F. (2d) 44, 50; National Labor Relations Board v. Cowell Portland Cement Co., 9 Cir., — F. (2d) —.

² Cf. National Labor Relations Board v. Cowell Portland Cement Co., supra.

³ Cf. National Labor Relations Board v. Register Pub. Co., 9 Cir., 141 F. (2d) 150, 163; National Labor Relations Board v. Cowell Portland Cement Co., supra.

United States Circuit Court of Appeals for the Ninth Circuit

No. 10787

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

CHENEY CALIFORNIA LUMBER COMPANY, RESPONDENT

Decree

Upon consideration of the petition of the National Labor Relations Board herein, filed May 29, 1944 for enforcement of its order of December 30, 1943 in this proceedings, and of the transcript of record in this cause, brief filed and oral arguments made by counsel for the respective parties, and good cause therefor appearing

It is ordered, adjudged and decreed that said order be modified, and as modified be enforced, and that the respondent Cheney California Lumber Company, Greenville, California, and its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Discouraging membership in Lumber and Sawmill Workers Local 2647, affiliated with the American Federation of Labor, or in any other labor organization of its employees, by discriminatorily discharging or refusing to reinstate any of its employees, or by discriminating in any other manner in regard to their hire and tenure of employment or any term or condition of their employment;

2. Take the following affirmative action which the Board finds will effectuate the policies of the Act:

(a) Offer Clayton Block, Ira Ware, Leslie Allan, and Lindsay Glenn immediate and full reinstatement to their former or substantially equivalent positions, without prejudice to their seniority or other rights and privileges;

(b) Make whole Clayton Block, Ira Ware, Leslie Allan, and Lindsay Glenn for any loss of pay they have suffered by reason of the respondent's discrimination against them, by payment to each of them of a sum of money equal to the amount which he normally would have earned as wages from the date of his discharge to the date of the respondent's offer of reinstatement, less his net earnings during said period; provided that as used in this paragraph, the term "loss" means loss actually incurred, and the term "net earnings" includes those which the employee could have earned, but has, without excuse, failed to earn;

(c) Post immediately in conspicuous places in and about its sawmill plant located at Greenville, California, and maintain for a period of at least sixty (60) consecutive days from the date of posting, notices to its employees stating: (1) that the respondent will not engage in the conduct from which it is ordered to cease and desist in paragraph 1 (a) of this Decree; (2) that the respondent will take the affirmative action set forth in paragraphs 2 (a) and (b) of this Decree; and (3) that the respondent's employees are free to become and remain members of Lumber and Sawmill Workers Local 2647, affiliated with the American Federation of Labor, and that the respondent will not discriminate against any employee because of his membership or activity in that or any other labor organization;

(d) Notify the Regional Director for the Twentieth Region in writing, within ten (10) days from the date of the issuance of this decree, what steps the respondent has taken to comply herewith.

[Endorsed.]. Filed March 31, 1945, Paul P. O'Brien, Clerk.

United States Circuit Court of Appeals for the Ninth Circuit

Excerpt From Proceedings of Monday, May 14, 1945

Before GARRECHT, MATHEWS, and HEALY, Circuit Judges

Order denying petition for rehearing

Upon consideration thereof, and by direction of the Court, it is ordered that the petition of National Labor Relations Board, filed April 17, 1945, and within time allowed therefor by rule of court, for a rehearing of above cause be, and hereby is denied.

United States Circuit Court of Appeals for the Ninth Circuit

(Title of Cause and Number.)

Certificate of Clerk, U. S. Circuit Court of Appeals for the Ninth Circuit, to record certified under rule 28 of the revised rules of the Supreme Court of the United States

I, Paul P. O'Brien, as Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, do hereby certify the foregoing 347 pages, numbered from and including 1 to and including 347, to be a full, true and correct copy of the entire record of the above-entitled case in the said Circuit Court of Appeals, made pursuant

to request of counsel for the petitioner, and certified under Rule 38 of the Revised Rules of the Supreme Court of the United States, as the originals thereof remain on file and appear of record in my office.

Attest my hand and the seal of the said United States Circuit Court of Appeals for the Ninth Circuit, at the City of San Francisco, in the State of California, this 26th day of July 1945.

[SEAL]

(S) PAUL P. O'BRIEN, *Clerk*.

Supreme Court of the United States

Order allowing certiorari

Filed October 22, 1945

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted:

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Mr. Justice JACKSON took no part in the consideration or decision of this application.